
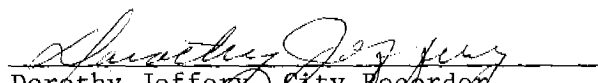


3. Councilman Bennett asked Attorney Peterson about the results of the court case concerning Mom's Crafts. Attorney Peterson replied, "We accepted a plea of no-contest, the defendants conditions were twenty (20) hours minimum of public service, and also a thirty dollar fine (30.00). The defendants were allowed to reapply for a zone change." Attorney Peterson stated he was not satisfied with the outcome of the court case.
4. Petition request by Larry Morris for rezoning for 193 South 1st West to allow for more trailer spaces was discussed at a Planning and Zoning Meeting held October 04, 1981. The Planning and Zoning recommendation to the council is to deny the request. Councilman Callister MOVED to accept the Recommendation of the Planning and Zoning Committee, and deny Mr. Morris's request. MOTION SECONDED by Councilman Losee. Motion carried.

Mayor Roper asked if there were any other comments, there being none, Councilman Bennett MOVED the meeting be adjourned, MOTION SECONDED by Councilman Don Bird, and received the unanimous affirmative vote of all councilmen present. Meeting adjourned at 11:55 p.m.


Leland J. Roper, Mayor
Delta City


Dorothy Jeffery, City Recorder
Delta City.

MINUTES OF A REGULAR COUNCIL MEETING HELD NOVEMBER 02, 1981
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PRESENT:

Leland J. Roper	Mayor and Presiding
Max Bennett	Councilman
Don Bird	Councilman
Thomas Callister	Councilman
Cecil Losee	Councilman
Willis Morrison	Councilman

ABSENT:

None

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OTHERS PRESENT:

Neil Forster	Public Works Superintendent
Warren Peterson	City Attorney
John Quick	City Engineer
Dorothy Jeffery	City Recorder
Nadine Nielson	City Secretary
Reed Wood	City Resident
Kim Young	Boettcher & Company
Mr. & Mrs. Mont Works	City Residents
Mr. & Mrs. Seth Jackson	City Residents
Mrs. Donnetta Hardy	City Resident
Mr. & Mrs. Lee Talbot	City Residents
Grant Nielson	City Resident
Marie Wright	City Resident
Laura Thomas	City Resident
Roger Stowell	IPP Representative
Al Pitzer	IPP Representative
Jack Grayson	Grayson Const.
Gayle Bunker	Bunker Const.
Dennis Westwood	City Resident

Mayor Roper, being present, called the meeting to order at 7:00 p.m.
Dorothy Jeffery, being present, acted as secretary.

Mayor Roper stated the meeting was a regularly called council meeting and that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided the Millard County Chronicle, the Millard County Gazette and the local radio station KNAK and to each member of the governing body by mailing copies of the Notice and Agenda two (2) days before to each of them.

CONTRACT WITH DENNIS WESTWOOD FOR SOLID WASTE PICK UP FOR CITY BUILDING, CITY STREETS, AND CITY PARKS.

Mayor Roper informed council that Mr. Dennis Westwood has purchased a business licesne for solid waste pick up in the Delta City area. Mr. Westwood requested the council sign a two (2) year contract for the purpose of solid waste pick up on the City Streets, City Parks, and City Building.

Mr. Westwood stated the contract will be a total of \$200.00 per month, the garbage would be picked up once every week, and he would also furnish containers in the City Park for the Fourth of July.

Council was concerned about the format of the contract, Dennis Westwood asked if the council wanted the City Attorney, Warren Peterson, to write up a more detailed contract. After a brief discussion, Councilman Bennett made a MOTION to hire Mr. Dennis Westwood for th solid waste pick up service in the Delta City Parks, City Building and the barrells on Main Street, subject to the approval of the council and the contract by Attorney Peterson. MOTION SECONDED by Councilman Bird, and recieved the unanimous affirmative vote of all councilmen present.

COUNCIL'S DECISION OF HIRING AN AIRPORT ENGINEER FOR THE CITY OF DELTA

Mayor Roper stated the council is considering - Dana Larson, Roubal and Associates, and Creamer and Noble Co. for the Airport Engineer for Delta City. Mr. Morrison thought the largest firm could do the best job as the Airport Engineer. Council-

man Losee stated he thought Dana Larson, Roubal and Associates would be the best company for the city.

After a brief discussion concerning the Airport Engineer, Councilman Losee made a MOTION to hire Dana Larson, Roubal and Associates for the Delta City Airport Engineer. MOTION SECONDED by Councilman Callister and received the unanimous affirmative vote of all councilmen present.

DECISION TO HIRE A LAW TRAINED JUDGE FOR THE CITY OF DELTA

Mayor Roper requested that Attorney Peterson explained the agenda item regarding the appointment of a law trained justice of the peace. Attorney Peterson stated, the city court judge, Sidney L. Young, is not a law trained judge. There is a criminal court case involving two (2) counts to be tried in the J.P. Court, and two (2) other counts to be tried in the circuit court, and on the two (2) counts being tried in the J.P. Court, the defendants made a motion for a law trained judge. The Utah Statutes provide that in the event of the inability or the refusal to act by Justice of the Peace, the Mayor, with the advice and consent of the City Council, can appoint a temporary Justice of the Peace, or the Mayor could permanently appoint a second Justice of the Peace, therefore, he could handle the cases in which the judge has granted a motion for a law trained judge. The closest person available for appointment as a Justice, would be the other County Justice of the Peace, which is Ronald Hare. There was some discussion of whether the council should approve Judge Hare for permanent appointment to act in cases requiring a law trained judge.

After a brief discussion concerning the law trained judge, Councilman Callister made a MOTION to appoint Ronald Hare as a Justice of the Peace for the City of Delta. MOTION SECONDED by Councilman Bennett and received the unanimous affirmative approval of all councilmen present.

COUNCIL DECISION TO ADOPT ORDINANCE #81-29

Attorney Peterson presented to council for their review and consideration of adoption, Ordinance No. 81-29 - An Ordinance Establishing the Dates, Times, and Place for Regular Meetings of the City Council of the City of Delta and Providing for Calling Special Meetings of the City Council.

After a brief discussion by the City Council, Councilman Don Bird made a MOTION the council adopt Ordinance No. 81-29 - An Ordinance Establishing the Dates, Times, and Place for Regular Meetings of the City Council of the City of Delta and Providing for Calling Special Meetings of the City Council. MOTION SECONDED by Councilman Losee, after discussion of the Ordinance, Mayor Roper called for a roll call vote, voting was as follows:

Councilman Max Bennett	Yea
Councilman Don Bird	Yea
Councilman Thomas Callister	Yea
Councilman Cecil Losee	Yea
Councilman Willis Morrison	Yea

After the roll call vote, the Ordinance No. 81-29 was signed by the Mayor in open meeting, and attested by the City Recorder, Dorothy Jeffery, Ordinance No. 81-29 is on file in the City Recorder's office for public review.

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COUNCIL'S DECISION OF PROPOSED ORDINANCE #81-30

Council discussed Ordinance No. 81-30, - An Ordinance Establishing the Salaries for Certain Elective and Statutory Officers of the City of Delta, Utah.

After a brief discussion of the fee schedule for the Mayor and Councilmen, Councilman Willis Morrison made a MOTION to follow the procedures as outlined in the Delta City Personnel Policy. for the statutory officers, suggested figures for salary was \$250.00 for Mayor per month and \$200.00 for council per month. MOTION SECONDED by Councilman Bennett, and received the unanimous affirmative vote of all councilmen present.

Councilman Willis Morrison made a MOTION to hold a public hearing on November 16, 1981 for the purpose of discussing the salary fee schedule for the elective and statutory officers of Delta City, at 6:30 p.m. MOTION SECONDED, by Councilman Bennett, Motion carried.

COUNCIL ACTION REGARDING REQUEST FOR ZONE CHANGE BY GAYLE AND GARY BUNKER

Mayor Roper read the following letter to the council:

Dear City Council:

By a unanimous vote at the Planning and Zoning Meeting held Wednesday, October 28, 1981 the Planning and Zoning Committee recommended that the Delta City Council approve the request of Gayle and Gary Bunker for a zone change from R-2 to R-3A to build two four (4) plex units at about 330 W. 2nd So. Lot 1, Block 35, Plat "A" Delta Townsite.

Sincerely,

Don Dafoe, Chairman of Planning and Zoning Committee

Attorney Peterson discussed the following paragraph from the Zoning Ordinance.

7-2 PROTEST AGAINST ZONE CHANGE

Protests to a proposed amendment to the District Zoning Map may be made in cases where 20 percent or more of the owners of the lots within and/or immediately adjacent to the area subject to the proposed change are opposed to such amendment. All such protests, or withdrawals from protests, shall be filed with the Administrative Official at least 24 hours before the time set by notice for the City Council meeting at which the proposed amendment will be considered. All protests shall be duly signed and acknowledged by all owners of lots within the area subject to the proposed change and/or within a distance of 140 feet from the subject property.

Council was concerned with the requirement that the notice be given only to land owners within 140 feet of the property proposed for zone change. Councilmember, Max Bennett, felt the 140 feet should be extended.

After a brief discussion of the zone change, Councilman Willis Morrison made a MOTION the council consider the application for a zone change on November 09, 1981, and that all of the property owners within 140 feet, and those affected by zone change be notified by letter of the impending action and also they should be notified they have a right to protest, according to Paragraph 7-A, of the

Zoning Ordinance, MOTION SECONDED by Councilman Don Bird and received the unanimous affirmative vote of all councilmen present.

COUNCIL'S CONSIDERATION TO AMEND THE FUTURE LAND USE MAP TO ALLOW FOR A HIGHER DENSITY ON THE TRAVELLER AND WEBB PUD TEN (10) ACRE DEVELOPMENT.

Mayor Roper read the following recommendation by the Planning and Zoning Committee:

By a unanimous vote at the Planning and Zoning Meeting held Wednesday, October 28, 1981 the Planning and Zoning Committee recommended that the Delta City Council amend the Future Land Use Map to allow for higher density on the Traveller and Webb PUD ten (10) acre Development.

The council was concerned of the fact that to amend only 10 acres of the development would be considered as spot zoning. Attorney Peterson advised that the important criteria was that the zone change reflect the intent of the City Land Use Plan. (See Section 10-9-8 Regulations to be in Accordance with Comprehensive Plan - of the Utah Code).

After some discussion on amending the Land Use Map, Councilman Willis Morrison made a MOTION the matter be tabled and it be sent back to the Planning and Zoning Committee for their reconsideration to see if they would like to enlarge the zoned area for high density or if they want to keep it limited. MOTION SECONDED by Councilman Max Bennett, and received the unanimous affirmative vote of all councilmen present.

Mayor Roper stated, on September 02, 1981, there was a sewer back up, which the City was liable for, at Mrs. Beckwith's home. Mrs. Beckwith has submitted a letter to the council, requesting reimbursement of \$615.40. Mayor Roper read the specific items which were damaged, and suggested to the council, they make a motion to reimburse Mrs. Beckwith for the damage that was done. The council members questioned the cities insurance coverage for the damage, Mayor Roper stated the city has not purchased insurance. Don Bird made a MOTION to reimburse Mrs. Wanda Beckwith of \$615.40 damage which was caused by a sewer back up on that date. MOTION SECONDED by Councilman Willis Morrison and received the unanimous affirmative vote of all councilmen present.

Mayor Roper stated to the council, Woodbury, Brown, and Schmutz, has requested to schedule a special meeting on November 06, 1981 which is a Friday. After a brief discussion, the council decided to deny the request and to schedule Woodbury, Brown, and Schmutz on the Regular Council Meeting Agenda dated November 09, 1981.

Mayor Roper informed council that a request has been made that agenda item No. nine (9) be discussed in a closed meeting. Councilman Max Bennett made a MOTION to adjourn the meeting to a closed session for the purpose of discussing property acquisition and Impace Alleviation payment from IPP. MOTION SECONDED by Councilman Morrison, afterwhich Mayor Roper caled for a roll call vote, voting was as follows:

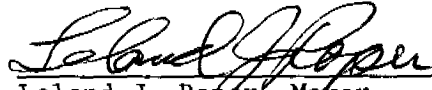
Councilman Max Bennett	Yea
Councilman Don Bird	Yea
Councilman Thomas Callister	Yea
Councilman Cecil Losee	Yea
Councilman Willis Morrison	Yea

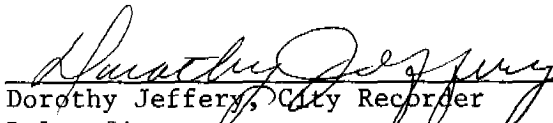
Motion Carried.

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The regular council meeting was adjourned at 8:45 p.m. for a ten (10) minute recess, afterwhich, the meeting reconveined into a Closed Council Meeting.

The Council reconveined into an open Regular Council Meeting at 10:30 p.m. Mayor Roper asked for any further discussion or comments, there being none, Councilman Don Bird made a MOTION to adjourn the meeting, MOTION SECONDED by Councilman Callister, meeting adjourned at 10:35 p.m.


Leland J. Roper, Mayor
Delta City


Dorothy Jeffery, City Recorder
Delta City

MINUTES OF A REGULAR COUNCIL MEETING HELD NOVEMBER 09, 1981.

PRESENT:

Leland J. Roper
Max Bennett
Don Bird
Thomas Callister
Cecil Losee
Willis Morrison

Mayor and Presiding
Councilman
Councilman
Councilman
Councilman
Councilman

ABSENT:

None

OTHERS PRESENT:

Neil Forster
Ray Valdez
John Quick
Warren Peterson
Dorothy Jeffery
Nadine Nielson

Public Works Superintendent
City Building Inspector
City Engineer
City Attorney
City Recorder
City Secretary

Gayle Bunker
Gary Bunker
Dee Church
Dr. M.A. Lyman
Reed Wood

Bunker & Sons Construction
Bunker & Sons Construction
City Resident
City Resident
City Resident